



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** March 4, 2007  
**AGENDA DATE:** March 13, 2008  
**PROJECT ADDRESS:** 1298 Coast Village Road (MST2004-00493)

**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
Jan Hubbell, AICP, Senior Planner  
Peter Lawson, Associate Planner

### **I. PROJECT DESCRIPTION**

The proposed project involves the demolition of an existing gas station with two repair bays and the construction of a new mixed use building. The new 18,196 square foot mixed use building would be comprised of eight residential condominiums and approximately 5,000 square feet of commercial space, located on the ground floor. All of the residential units would be located on the second and third floors. Five residential units would include two bedrooms, two units would include one bedroom each and one unit would include three bedrooms. 37 parking spaces are provided, with nine covered parking spaces located at grade level and 29 parking spaces located below grade. Grading would be approximately 9,500 cubic yards of cut and 1,500 cubic yards of fill.

Currently, the 18,196 square-foot site is split by two zoning designations; the northern portion, totaling approximately 7,150 square feet, is zoned R-2, and the southern portion, totaling about 11,046 square feet, is zoned C-1. The Planning Commission initiated re-zoning the portion of the subject property zoned R-2 (Two Family Residential) to C-1 (Limited Commercial) on April 7, 2005. The entire property is located in the Coastal Overlay (SD-3) Zone, which would not change with this request.

#### **Background**

The site was developed first as a residence in the 1930s, and then converted to a gasoline station, which has been rebuilt at least once since the late 1940s. The southern portion of the site was rezoned to C-1 in 1946. The line of ficus trees along the northern property line appear to be in place since the 1950's and thus would be considered legal and nonconforming.

### **II. REQUIRED APPLICATIONS**

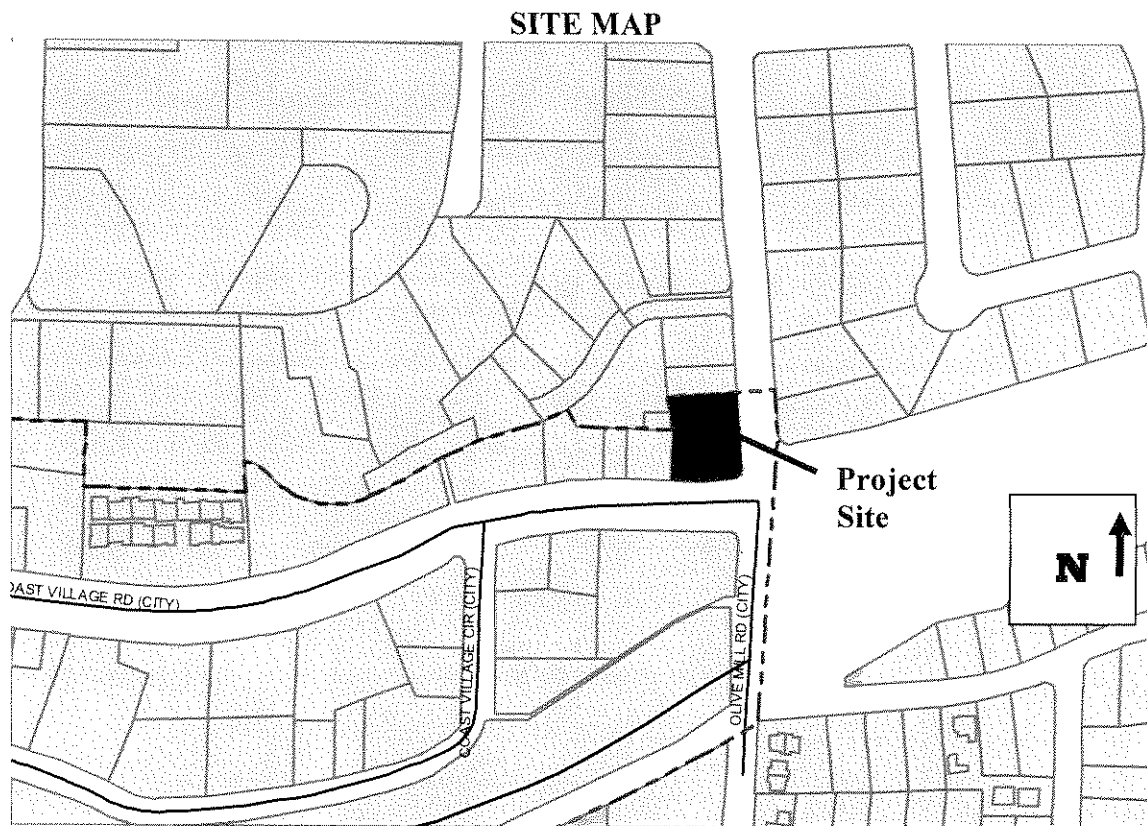
The discretionary applications required for this project are:

1. A recommendation to City Council for a Zoning Map Amendment to change the zoning from R-2, Two-Family Residential, to C-1, Commercial Zone District (SBMC §28.92.080.B);

2. A recommendation to the City Council for a Local Coastal Program Amendment to change the zoning to match the Local Coastal Plan designation of General Commerce.
3. A Modification to allow a portion of the building to encroach 7 feet into the required 17 foot northern interior yard setback (SBMC §28.92.110.A.2);
4. A Modification to allow the 10% common open space to be located above the ground floor level (SBMC §28.92.110.A.2);
5. A Modification to allow one second floor covered balcony to encroach 3 feet 6 inches into the 10 foot front yard setback on Coast Village Road (SBMC §28.92.110.A.2);
6. A Modification to allow the an emergency stairway to encroach up to 9 feet 2 inches into the 10 foot front yard setback on Olive Mill Road (SBMC §28.92.110.A.2);
7. A Coastal Development Permit (CDP2005-00003) to allow the proposed development in the Non-Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060);
8. A Development Plan to allow the construction of 5,000 square feet of nonresidential development (SBMC §28.87.300); and
9. A Tentative Subdivision Map for a one-lot subdivision to create eight (8) residential condominium units and one (1) commercial unit (SBMC 27.07 and 27.13).

### **III. RECOMMENDATION**

With approval of the Modifications and Council and Coastal Commission approval fo the requesting Zoning and Local Coastal Program Amendments, the proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project contingent upon City Council approval of the Zone Change and recommend that the Council approve the Zone Change, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**APPLICATION DEEMED COMPLETE:**

August 7, 2007

#### IV. SITE INFORMATION AND PROJECT STATISTICS

##### B. SITE INFORMATION

Applicant: John Price	Property Owner: TOSCO Corporation
Agent Jeff Gorell, Lenvik & Minor	
Parcel Number: 009-230-043	Lot Area: 0.41 acres (gross); 18,196 s.f.
General Plan: General Commerce	Zoning: C-1, Commercial (partial) R-2, Residential SD3 – Coastal Overlay Zone
Existing Use: Gasoline Service Station	Topography: 2%
Adjacent Land Uses: North - Residential South – Hotel/Restaurant East – Residential/US 101 Freeway West – Commercial/Office	

##### C. PROJECT STATISTICS

	Existing	Proposed			
Living Area	N/A	Unit #	# of Bedrooms	Size of Unit (s.f.)	% of Req. Lot Area
		Unit 1	2	1,604 s.f.	69%
		Unit 2	2	1,486 s.f.	64%
		Unit 3	1	1,292 s.f.	71%
		Unit 4	1	1,112 s.f.	60%
		Unit 5	3	2,126 s.f.	76%
		Unit 6	2	1,394 s.f.	60%
		Unit 7	2	1,444 s.f.	62%
		Unit 8	2	<u>1,776 s.f.</u>	76%
					Total – 12,270 s.f.
Commercial	Service Station	West ½ East ½	N/A	<u>2,360 s.f.</u> <u>2,640 s.f.</u> 5,000 s.f.	N/A
Garage/ Parking	12 uncovered	37 spaces (17 residential + 20 commercial) 9 spaces covered @ ground level, 28 spaces below grade			
Accessory	N/A	8 storage units for the residents -			

#### V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks			
-Front	10 Foot setback	Coast Village Rd. 0' Olive Mill Rd. Structure – 40' Parking Area – 0'	Coast Village Rd. - 10' Olive Mill Rd. – 10' (Note: Modifications to the setbacks for minor encroachment are being requested for each front setback)

Standard	Requirement/ Allowance	Existing	Proposed
-Interior	0' – adjacent to commercial 1 zoned lot ½ the height		North Interior Yard – 17' Portion at 10' w/Modification
Building Height	Three (3) stories - Max forty-five feet (45'). Adjacent to residentially zoned lots - within a distance of twenty-three (23) feet or one-half (1/2) the height of the proposed structure, whichever is less, height to be 25 feet.	12 feet	Building – 35' Architectural Element – 39.5' Within 17' of North Interior Lot Line – 25'
Parking	<u>Multiple Residential Unit.</u> 1 bedroom: 1-1/2 spaces/ unit.  2 or more bedrooms: 2 spaces/unit.  Guest parking - 1 space/4 residential units.  <u>Commercial</u> 1 space per/250 square feet of net floor area or fraction thereof.	Approximate: 12 uncovered	Residential – 15 spaces Guest Parking – 2 spaces <u>Commercial – 20 spaces</u> Total – 37 Spaces
Lot Area Required for Each Unit (Variable Density)	1 bedroom unit 1,840 s.f./unit 2 bedroom unit: 2,320 s.f./unit 3 bedroom unit +- 2,800 s. f./unit	N/A – Commercial only	2 – 1 bedroom – 3,680 s.f. 5 – 2 bedroom – 11,600 s.f. <u>1 – 3 bedroom – 2,800 s.f.</u> Total - 18,080 s.f.
10% Open Space	1,280 s.f.	N/A	1,020 s.f. – ground level 1,820 s.f. – 2 <sup>nd</sup> level w/ a modification
Private Outdoor Living Space	2nd Floor Units and above: 1 bedroom unit - 72 s.f. 2 bedroom unit - 84 s.f. 3 bedroom unit – 96 s.f.	N/A - Commercial	Unit 1 – 270 s.f. Unit 2 - 230 s.f. Unit 3 – 310 s.f. Unit 4 – 362 s.f. Unit 5 – 470 s.f. Unit 6 - 184 s.f. Unit 7 – 200 s.f. Unit 8 – 174 s.f.
Lot Coverage -Building	N/A	1,189 s.f. 7%	12,697 s.f. 69.8%

Standard	Requirement/ Allowance	Existing	Proposed
Paving/Driveway	N/A		
-Paving	N/A	15,866 s.f. 87%	1,653 s.f. 9.08%
-Landscaping		1,141 s.f. 6%	3,846 s.f. 21.12%

With the following recommendations and approvals, the proposed project would meet the requirements of the C-1 Zone District, with the exception of the Modifications.

#### A. CHANGE OF ZONE

A change of zone is a legislative process and City procedures require that the Planning Commission or City Council initiate the rezoning before the applicant can submit a formal application for rezoning. A zone change can be initiated by either an applicant, the Planning Commission or City Council. In this case, the property owner applied for the zone change and the Planning Commission initiated the process at their April 7, 2005 hearing, to change a portion of the subject property from R-2 (Two-Family Residential) to C-1 (Commercial). This designation change is required in order to process the applicant's mixed-use project proposal. Currently, the project site is split by two zoning designations; the northern portion is zoned R-2, and the southern portion is zoned C-1. Although there is only one Assessor's Parcel Number, the project site consists of two legal parcels and the zone line follows the parcel line. Both parcels have a General Plan designation and a Local Coastal Plan designation of General Commerce.

The project site is a corner lot. The western lot line abuts two lots and the northern lot line abuts one lot. The southwestern adjacent lot (1290 Coast Village Road), developed with a commercial building, is under the City jurisdiction and is zoned C-1 (Limited Commercial Zone). The northwestern lot, developed as a parking lot serving Long's Drug Store and other commercial businesses, is under the County's jurisdiction and is zoned C-2. The adjacent northern lot (115 Olive Mill Road), developed with a single family dwelling, is zoned R-1 (Residential) and is also under the County's jurisdiction.

The intent of the proposed C-1 zone is that it strives to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Given the residential development and zoning on the adjacent northern parcel, this would be an appropriate zone district. The development that is being proposed, with the commercial component oriented to the south along Coast Village Road and the residential use oriented to the north, would reflect the intent of the zone district. Additionally, the general commercial use along with the residential uses that are being proposed would be less intensive than the current service station. Finally, the proposed change would be consistent with the current General Plan and Local Coastal Plan designation. Staff recommends that the Planning Commission recommend to the City Council the approval of the zone change from R-2 to C-1.

**B. MEASURE E**

The project includes the demolition of approximately 1,189 square feet (s.f.) of commercial space and construction of approximately 5,000 s.f. of commercial space. Because the project site consists of two legal parcels, pursuant to the provisions of SBMC §28.87.300, the project would be allocated a total of 2,000 s.f. of Measure E nonresidential square footage from the Minor Addition category and 1,811 s.f. from the Small Addition category for the project parcels, leaving 3,189 s.f. of Small Addition square footage. Development Plan findings for this square footage are included in Section VII below.

**C. MODIFICATIONS**

*Northern Side Yard Setback* – This Modification would allow a portion of the building to encroach into the required northern side yard setback. Because the project site abuts a residential zoned lot, the C-1 Zone District states that the setback shall have an interior yard of no less than ten (10) feet or one-half (1/2) the height of the building, whichever is greater. In this case, the overall building height is 35 feet, thus the setback would be 17 feet 6 inches. The total length of development along the northern portion of the lot is 110 feet. This is not a solid line of development, as the private and common space, located in the center, occupies 25 feet of that length. The portion of the development that would encroach into the setback would include both the first and second floor and occupy an area measuring 7 feet 6 inches in depth by 45 feet in length. On the ground level, the portion of the building that would encroach into the setback would be used as storage area for each of the units. Access to the storage area would be oriented toward the garage and there would be no windows or other openings facing the northern property line. On the second floor, a portion of the living room, dining room and patio of Unit 8 would encroach into the setback.

The remaining development along the northern property line, including the entire length of the third floor, would be consistent with or greater than the required setbacks. The driveway would be setback a minimum of five feet from the property line and will continue to be landscaped. Currently, there is a hedge approximately twenty feet in height along this property line, but, as stated above, it is legal and nonconforming and would remain. Additionally, a solid wall of at least six feet in height is provided along the property line and will remain as part of the project, which is consistent with the requirements for development adjacent to a residential zone district.

Therefore, staff can support this Modification for several reasons. The majority of the development, on all floors, meets or exceeds the northern setback by at least 10 feet. Unit 1, which is the next closest residential unit to the north property line, is setback by 33 feet and has minimal windows along the north facing walls. The outdoor patio for Unit 1 is setback from the northern property line by 34 feet, which would allow privacy to the adjacent property. The remaining required outdoor private space for each of the residential units, all located on the second floor, would be clustered around the common open space courtyard further south. The additional residential balconies or decks are oriented toward the public street or the adjacent commercial buildings.

The majority of the second floor public open space is oriented in the middle of the development, approximately 60 feet from the northern property line, and the stairway and elevator accessing this space is from Coast Village Road, which keeps the majority of the pedestrian traffic away from the adjacent residential use. Six out of eight units would be accessed off of the central common open space court yard. There is no exterior, unenclosed access to the third floor. All residential units are accessed via the second floor and each unit includes interior stairs to their respective third floors.

The patio for Unit 8, which would partially encroach into the setback, is oriented in the north-western corner of the lot and faces both the commercial parking lot to the west and the residential garage to the north. The patio is approximately 40 feet from the westernmost portion of the adjacent residence. Thus, the impacts from the patio to the adjacent residence would be minimal. Further, the portion of the building that is subject to this modification would be consistent with the additional building height requirement under the C-1 zone district. This requirement states that if portion of a structure is within a distance of twenty-three (23) feet or one-half ( $1/2$ ) the height of the proposed structure, whichever is less, of an adjacent residential zone, it shall not exceed the allowed height in the most restrictive adjacent residential zone. In this case, the project site is adjacent to a County zoned Single Family Residential Zone District with a maximum height of 25 feet. Therefore, the height of the portion of the building that is within 17.5 feet ( $1/2$  the height of the building) of the northern property line does not exceed 25 feet. Another consideration is that the applicant has provided solar calculations for Unit 8 demonstrating that the structure would comply with the Chapter 28.11, Protection and Enhancement of Solar Access under the R-3/R-4 Zoning.

*10% Common Open Space* – This Modification would allow a portion of the required common open space to be located above the ground floor level. As required by the Municipal Code, the common open space shall be located outside of the required setbacks and, based upon the size of the lot, a minimum of 1,820 square feet of open space shall be provided. Approximately 2,280 square feet of common open space is being proposed. Approximately 1,000 square feet of common open space is provided on the ground level, primarily in the southern and western portions of the lot. Along the western property line, pedestrian access will be provided not only for the project site, but for access from the adjacent commercial lot. On the second floor 1,280 square feet of common open space will be provided and is placed in a central court yard location that will lead to an entry into each of the residential areas.

The C-1 zone district is a unique commercial zone district requiring front yard setbacks of ten feet. With approximately 95% of the development respecting the front setbacks, 2,000 additional square feet of pathways and landscaping is being provided and, coupled with the five foot wide planter to separate the adjacent residential zone to north from the driveway, there would be a total of approximately 2,500 square feet of additional open space within the required setbacks. Finally, the private outdoor space provides for each unit is more than double that required by the Municipal Code requirement. Therefore, since at least 50% of the common space is being provided on the ground level, the proposed common open space exceeds the Municipal Code requirement, there is additional open space being provided by the setback



requirements, and large private outdoor areas are provided for each unit, staff supports this Modification.

*Front Yard Setback on Coast Village Road* - This Modification would allow the encroachment of a covered balcony into the setback. This balcony would be located on the second floor and encroach up to four feet into the setback and span a length of 26 feet. This balcony is not providing the required private outdoor space, but would provide some articulation to help break up the massing of the building. The balcony would not extend beyond the line of the development located to the west. The overall design was supported by the Architectural Board of Review (ABR). Therefore, staff supports this Modification.

*Front Yard Setback on Olive Mill Road* - This Modification would allow the encroachment of an emergency stairway into the setback. The majority of the stairs would follow the line of the building and encroach into the front setback by approximately four and one-half feet. The last five risers would face Olive Mill Road and encroach into nearly the entire setback. Since these stairs would occupy an area of approximately 20 feet in length, not impede pedestrian traffic, and would not be located adjacent to a residential use, staff can support this Modification.

## **VI. ISSUES**

### **A. DESIGN REVIEW**

This project was reviewed by the Architectural Board Review (ABR) at one meeting (meeting minutes are attached as Exhibit D). On November 14, 2005, the ABR stated that they were supportive of the overall development and provided specific comments on the architectural details. This area is not subject to the Urban Design Guideline.

### **B. PLANNING COMMISSION CONCEPT REVIEW**

On February 16, 2006, the project was presented to the Planning Commission for conceptual review and comment (Attachment F). The proposal presented to the Planning Commission demonstrated the building height at 35 feet and the architectural projection at 42 feet. The Planning Commission was supportive of the overall design and thought the project would be a good gateway project for Coast Village Road. There was concern expressed about the line of trees along the north property line and if these trees would remain. There was also concern about the height of the building, especially to the north of the lot. The applicant has responded by lowering the height of the architectural project to 39.5 feet and the trees along the north property line will remain mostly in a hedge form.

### **C. COMPLIANCE WITH THE GENERAL PLAN AND THE LOCAL COASTAL PLAN**

The project site is located within the Coast Village area under the General Plan and Component 7 North of U.S. 101 under the Local Coastal Plan (LCP). No major coastal issues within this area were identified in the LCP. The General Plan designates this area for commercial uses, and it is anticipated that they will continue and probably expand. In addition to commercial development in the area, it is anticipated that further residential development may occur. The Coast Village area is primarily a commercial district with residential development being

subordinate. The Vons shopping center anchors the western end of Coast Village Road at Hot Springs Road and the Montecito Inn, located south of the project site, anchors the eastern end at Olive Mill Road. This area has evolved from providing roadside service in the early 1900s to being a commercial retail and business service area for the Montecito and Eastside communities. Between Hot Springs Road and Olive Mill Road, a mix of condominiums and apartments can be found among restaurants, offices, hotels, a nursery and service stations. The topography descends rapidly from the north to Coast Village Road, and then descends down to Coast Village Circle to the south. This topographical change is reflected along parts of Coast Village Road in the development, with two and three story development on the north side and single story on the south side. The Local Coastal Plan designates this site for General Commerce and the proposed rezone would result in the entire site being consistent with this designation.

1. Land Use Element

The subject site has a General Plan designation of General Commerce. The residential portion of the mixed-use development would be subject to the density requirements of the R-3/R-4 Multiple Family Residential Zones, which can be either based upon one unit per 3,500 square foot of land, with no limit on the bedroom size or based upon the variable density standards with a limit on the number of bedrooms. The applicant is proposing a residential development based upon the variable density component and, as stated above, would be consistent with the amount of square footage of land necessary to develop eight condominiums. Further, by providing a mix of bedrooms per condominium, the project would be consistent with the Housing Element, stated below.

2. Housing Element

The City Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. This proposal, with one, two and three bedroom units would satisfy that goal.

In accordance with Housing Element Policy 3.3, which requires new development to be compatible with the prevailing character of the neighborhood, the proposed building would be compatible in scale, size and design with the surrounding neighborhood.

The surrounding neighborhood, from Hot Springs Road to Olive Mill Road, is comprised of a mix of office, residential and commercial buildings, with a range of heights. The uses are a mixture of offices and commercial uses with most of the residential development setback to the north of Coast Village Road. The three-story building undulates in some areas and is mostly setback 17.5 feet from the adjacent residential use. Additionally, the apparent height of the building as viewed from the adjacent residential areas is lessened a small amount due to the natural topography that situates the adjacent homes at a higher elevation than the project site. Further to the north-west, in the Montecito Community Plan area, the residential development is located on a mesa that varies from 40 feet to 70 feet higher in elevation.

3. Circulation Element

The Circulation Element contains goals and policies that promote housing in and adjacent to commercial areas, such as Coast Village Road, to facilitate the use of alternative modes of transportation and to reduce the use of the automobile. For example, Circulation Element Implementation Strategy 13.1.1 encourages "the development of projects that combine and locate residential uses near areas of employment and services." This project provides housing as well as commercial space in the Coast Village Road area and is, therefore, consistent with this goal.

The project is consistent with the development standard policies stated in the Circulation Element. A transit stop is located adjacent to the site and the project also includes removing three out of four driveway entrances, consistent with the Pedestrian Master plan of minimizing curb cuts. By eliminating curb cuts, additional on-street parking will be provided which is consistent with the goal in the Coastal Zone of providing more public parking. The additional on-street parking spaces will not interfere with the existing westbound bike lane. Bicycling parking will be provided on site both for the residential use and the commercial use. Finally, all parking will be provided on the project site, also consistent with the Local Coastal Plan.

#### **D. ENVIRONMENTAL REVIEW**

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. An Initial Study and Mitigated Negative Declaration (Attachment D) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: air quality (short-term), hazards (short-term), noise (long-term), traffic/circulation (long-term) and. Also evaluated in the document as less than significant impacts are aesthetics, air quality (long-term), biological resources, cultural resources, geophysical conditions, noise (short-term), public services traffic/circulation (short-term) and water environment.

A Draft Mitigated Negative Declaration (MND) was prepared and released for public review. During the public review period from November 12, 2007, to December 13, 2007, public comment on the draft MND was taken. No Environmental Hearing was held by the Planning Commission because one was not requested by the public. Staff received two letters of concern from members of the public regarding the project during the public comment period that focused on policy and design issues, not environmental concerns. Concerns related the size of the project, construction traffic and solar impacts.

Staff also received comments from two public agencies, Montecito Water District and Santa Barbara County Air Pollution Control District APCD. The water resources section of the Mitigated Negative Declaration was corrected to reflect the Water District's concerns. The APCD commented that conditions should be included to address construction equipment emissions, asbestos removal and that any gasoline station or dry cleaning use should be setback from adjacent residential use. The attached conditions of approval address the emission control on the construction equipment, any asbestos removal will be addressed as part of the building permit and no gasoline station or dry cleaning store is being proposed.

The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

**1. AESTHETICS**

The project site is located in an urban setting in the Coast Village Road area of the City. Views of the site from public vantage points are primarily from the adjacent streets and sidewalks. Existing development along this portion of the Coast Village Road corridor includes one-, two- and three-story buildings. There is a mix of office, commercial and hotel development in the project vicinity. The site is currently developed with a single story structure, paved parking areas and a limited amount of landscaping. The proposed new building would be three stories and would measure 35 feet above existing grade. The two existing eucalyptus trees on the site would remain. The Architectural Board of Review (ABR) has reviewed the project and has made generally positive comments. The size, height, architecture and siting of the proposed building would result in a visual change to the site; however, this is considered a less than significant environmental impact.

**2. AIR QUALITY**

This project will not result in long-term air quality impacts. The primary concerns related to air quality impacts are pollutant emissions from vehicle exhaust or other stationary sources, particulates and nuisance dust associated with grading and construction. Because a gasoline service station is being removed, long-term emissions would be reduced and are much less than the Santa Barbara County Air Pollution Control District threshold of significance for air quality impacts; therefore, long term project air quality impacts are less than significant. The MND has incorporated mitigation measures to minimize short-term impacts from construction emissions and dust.

**4. GEOPHYSICAL CONDITIONS**

Project impacts related to ground shaking, liquefaction, seiche, tsunami, landslides, mudslides or excessive grading are considered less than significant. Potential impacts due to subsidence or expansive soils would be minimized to less than significant levels due to the excavation of most of the site for an underground garage.

**5. HAZARDS**

The project site is currently under a soil and ground water contamination remediation program due to the gasoline service station. The contamination results from minor tank leakage prior to the early 1990s. State regulations after that time required all service stations to install double walled tanks that can be monitored in the event that the inner wall fails. Based upon the monitoring reports, the level of contamination has been lowering consistently since the remediation began. With the excavation of the site for the proposed underground garage, all the site would fully remediated. The project

includes a mitigation measure that completion of final Corrective Action Plan shall be approved by both the California Regional Water Quality Control Board and the Santa Barbara County Fire Department. The site is not located within a High Fire Hazard Area.

#### **6. NOISE**

The project is located in an area where noise levels range from 60-65 dBA Ldn, due primarily to traffic noise from Coast Village Road and US Highway 101. All of the units are oriented in a horse shoe pattern, with the private outdoor space at the center of this pattern. The building will shield the outdoor space from adjacent road noise and no further mitigation will be necessary. Since the majority of the units face the adjacent public roads and highway, interior noise levels of 45 dBA or less will be achieved through windows being closed and mechanical heating and cooling being provided. Short-term construction noise would be adverse, but less than significant. Mitigation measures have been recommended to further minimize any construction noise impacts.

#### **7. TRANSPORTATION/CIRCULATION**

Due to the present use as a gasoline service station and a car detailing service, the proposed project would cause a reduction in traffic trips. The project is expected to generate 36 less a.m. peak hour trips, 19 less p.m. peak hour trip and 367 less average daily trips. Therefore, there would be no impact to traffic or the operation of intersections in the area.

Short term construction traffic would not result in a significant impact to the traffic network because of the temporary nature of the trips generated and the size of the project. Standard mitigations recommended to minimize any adverse impact include restrictions on the hours permitted for construction trips and approval of routes for construction traffic.

The project would include 37 parking spaces for both the commercial and residential uses, which is consistent with the Ordinance requirements and would also meet projected parking demand. Additionally, with the removal of three out of four driveways, three additional on street parking spaces will be provided.

### **VII. FINDINGS**

The Planning Commission finds the following:

#### **A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION**

- The Planning Commission has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review process.

- The Planning Commission finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant effect on the environment.
- The Planning Commission finds that the Final Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
- The Planning Commission finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Planning Commission hereby adopts the Final Mitigated Negative Declaration for the project.
- The Planning Commission hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

**B. LOT AREA MODIFICATION – SETBACKS (SBMC §28.92.110.A.2)**

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

*The Modification to the setbacks would provide more flexibility in the design of the development, to break up the massing and provide visual corridors to the north of the site. Portions of the overall development are not being fully developed to the required setback lines and additional common open space and private outdoor space beyond what is required is being provided, thus the Modification would not cause an overdevelopment of the site and would meet the purpose and intent of the Zoning Ordinance.*

**C. LOT AREA MODIFICATION – COMMON OPEN SPACE (SBMC §28.92.110.A.2)**

A modification of yard, lot and floor area regulations where the modification is consistent with the purposes and intent of this Title, and is necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, (iii) promote uniformity of improvement, or (iv) the modification is necessary to construct a housing development which is affordable to very low-, low-, moderate- or middle-income households.

*Approximately 1,000 square feet of the required 1,820 square feet is being provided on the ground level, consistent the Municipal Code. The Modification would allow the remaining portion of the Common Open space to be located on the second floor. As proposed, 1,820 square feet would be located in a court yard setting, with landscaping being considered. Additionally, with two front yard setbacks, the project would have approximately 2,000 square feet of additional open space, with landscaping.*

**D. AMENDMENTS AND CHANGES TO ZONE BOUNDARY (SBMC §28.92.020)**

The change is justified by public necessity convenience, general welfare or good zoning practice.

*The intent of the C-1 Limited Commercial Zone District is to provide a desirable living environment by preserving and protecting surrounding residential land uses in terms of light, air and existing visual amenities. Given the adjacent residential zone district to the north and that the subject lot is the easternmost commercial lot of Coast Village Road; this would be an appropriate zone district. Further, the zone change is consistent with the General Plan and Local Coastal Plan designation..*

**E. THE TENTATIVE MAP (SBMC §27.07.100)**

With approval of the zone charge, the Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the City of Santa Barbara. The site is physically suitable for the proposed development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

**F. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)**

1. There is compliance with all provisions of the City's Condominium Ordinance.
2. The project complies with density requirements. Each unit includes laundry facilities, separate utility metering, adequate unit size and storage space, and the required private outdoor living space.
3. The proposed development is consistent with the General Plan of the City of Santa Barbara.
4. The project can be found consistent with policies of the City's General Plan including the Housing Element, Conservation Element, and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood.
5. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

**G. COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
2. With approval of the Local Coastal Plan Amendment, the project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation, because there will be no effect on the coastal access and minimal effects on public recreation.

**H. DEVELOPMENT PLAN APPROVAL (SBMC §28.87.300)**

1. The proposed development complies with all of provisions of the Zoning Ordinance upon approval of the requested Zone Boundary Change;
2. The proposed development is consistent with the principles of sound community planning;
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk and scale of the development are compatible with the neighborhood;
4. The proposed development will not have an unmitigated adverse impact upon the City and South Coast affordable housing stock;
5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources;
6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic;
7. Resources are available and any applicable traffic improvements will be in place at the time of project occupancy.

*The proposed project includes three Modifications and with approval of those Modifications, the project would be consistent with the Municipal Code. The project would provide a gateway development into the Coast Village area, for both residential and commercial uses. The project would be adding housing to a site that is currently developed with commercial usage only. The overall development was conceptually reviewed by the Architectural Board of Review and considered compatible with the*



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*surrounding neighborhood. The water and traffic use would decrease with the proposed development. Therefore, the project can be found consistent with this finding.*

Exhibits:

- A. Conditions of Approval
- B. Negative Declaration dated November 14, 2007
- C. Applicant's letter, dated January 7, 2008
- D. Site Plan